

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

ELIZABETH HILTON,)	No. ED92571
Respondent,)	
)	
and)	
)	
ROBERT HILTON, ET AL.,)	
Appellants,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	
)	
DAVITA, INC.,)	Hon. Thomas C. Grady
Defendant.)	FILED: November 24, 2009

Robert Hilton, Michael Hilton, Shelly Hilton, Marsha Friend, and Judy Black (“Step-Children”) appeal from the judgment of the trial court that apportioned the proceeds of the \$250,000 settlement for the wrongful death of their father, George Hilton (“Decedent”), from Davita, Inc., and that awarded attorneys’ fees and expenses.

JUDGMENT AFFIRMED AS MODIFIED.

DIVISION ONE HOLDS:

The trial court erred in ordering Step-Children to pay the costs of depositions that occurred after the settlement with Davita that relate to the apportionment of the settlement proceeds between Step-Children and Decedent’s widow (“Wife”). The judgment is modified so as to order Wife to pay all of the costs of the depositions at issue that relate to the apportionment, and to order Step-Children to pay their respective shares of expenses, and, as so modified, is affirmed.

Opinion by: Clifford H. Ahrens, Judge Kathianne Knaup Crane, P.J., and Nannette A. Baker, J., concur.

Attorney for Appellant: James Schottel, Jr.

Attorney for Respondent: James R. Dowd

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
